

**EXHIBIT 2**  
**to Declaration of Hugh Bialecki**

**LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN BERNARDINO**

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PROPOSAL NO.: **LAFCO 3050**

HEARING DATE: **NOVEMBER 18, 2009**

**RESOLUTION NO. 2942**

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3050 AND APPROVING THE REORGANIZATION TO INCLUDE CITY OF SAN BERNARDINO ANNEXATION NO. 360 AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICTS ITS VALLEY SERVICE ZONE AND COUNTY SERVICE AREA 70 (ARROWHEAD SPRINGS SPECIFIC PLAN AREA). The reorganization area consists of two separate areas totaling approximately 1,590+/- acres located in the City of San Bernardino's northern sphere of influence. Area 1 encompasses approximately 1,298+/- acres generally located north of the City of San Bernardino boundaries, east of State Route 18. The reorganization area includes the historic Arrowhead Springs Hotel and its surrounding area. Area 2 encompasses approximately 292+/- acres generally located east and west of State Route 18 in the Old Waterman Canyon area.

On motion of Commissioner Nuaimi, duly seconded by Commissioner Williams, and carried, the Local Agency Formation Commission adopts the following resolution:

**WHEREAS**, an application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 *et seq.*), and the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing;

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**WHEREAS**, the Commission determined to modify this proposal to:

1. Include the detachment of the San Bernardino County Fire Protection District, its Valley Service Zone and County Service Area 70, as a function of the reorganization; and,
2. To expand the territory to include an additional 1.78 acres within Assessor Parcel Numbers 0270-111-01 and 0170-011-01 and 16.3 acres of State Route 18 right-of-way within Sections 3 and 10, T1N, R4W.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission does hereby determine, find, resolve, and order as follows:

**DETERMINATIONS:**

**SECTION 1.** The proposal is approved subject to the terms and conditions hereinafter specified:

**CONDITIONS:**

**Condition No. 1.** The boundaries are approved as set forth in Exhibits "A" and "A-1" attached.

**Condition No. 2.** The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3050.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of San Bernardino (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

**Condition No. 4.** The City of San Bernardino shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**Condition No. 5.** Prior to issuance of the Certificate of Completion for LAFCO 3050, the City of San Bernardino shall submit to LAFCO an out-of-agency service contract with the County of San Bernardino specifying the terms regarding maintenance of the 900 linear feet of Waterman Canyon Road right-of-way within Section 2, T1N, R4W stranded outside City boundaries in County jurisdiction pursuant to Government Code Section 56133. The City of San Bernardino shall provide written consent to this condition within five (5) working days of the approval of this resolution.

**Condition No. 6.** Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

**Condition No. 7.** The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

**SECTION 2. FINDINGS.** The following findings are noted in conformance with Commission policy:

1. The Registrar of Voters Office has certified that the study area is legally uninhabited as of April 4, 2006 and October 13, 2009.

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2. The study area is within the sphere of influence, as amended by LAFCO 3053, assigned to the City of San Bernardino.
3. The County Assessor's Office has determined that the assessed valuation of land and improvements for the area as modified is \$3,648,455 (\$1,151,258 land; \$2,497,197 improvements) as of April 2006.
4. Legal advertisement of the Commission's original and current considerations has been provided through publication in *The Sun*, a newspaper of general circulation within the study area. Individual notice has been provided to affected and interested agencies, County departments, and those individual and agencies having requested such notification.
5. LAFCO staff has provided individual notices to landowners (totaling 9 notices) within the reorganization area and to landowners and registered voters surrounding the study area (totaling 330 notices) in accordance with State law and adopted Commission policies. To date, no expression of concern or opposition has been received.
6. The City of San Bernardino has processed land use approval for the area through adoption of the Arrowhead Springs Specific Plan and its General Plan Update which has pre-zoned the territory. The range of land use is outlined in the Arrowhead Specific Plan. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following reorganization unless specific actions are taken by the City Council at a public hearing.
7. The City of San Bernardino, as a function of its review for the General Plan Update, including pre-zoning its sphere of influence, and Arrowhead Springs Specific Plan (SCH No. 2004111132), prepared an environmental impact report and Mitigation Monitoring Program which indicates that approval of the project will have an unavoidable significant adverse impact on the environment. In addition, the Commission's Environmental Consultant prepared an Addendum to the City's environmental documents assessment that addresses the addition of 1.78 acres contained within APNs 0270-0211-01 and 0270-011-01 which are included in the City's pre-zoning and 16.3 acres within Sections 3 and 10, T1N, R4W included within the State Route 18 right-of-way to provide for the environmental assessment of the entire reorganization area and to substantiate that the additional acreage will not cause physical changes in the environment beyond that identified in the City's adopted Final EIR.

The Commission certifies that it has reviewed and considered the Addendum and the City's Final EIR and the environmental effects as outlined in the FEIR prior to reaching a decision on the project and finds the information substantiating the Addendum and the FEIR are adequate for its use in making a decision as a CEQA lead agency. The Commission finds that it does not intend to adopt alternatives or mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the City and/or other agencies and not the Commission; and finds that it is the responsibility of the City to oversee and implement these measures. The Commission directs its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

8. The City of San Bernardino has submitted a plan for the provision of services as required by Government Code Section 56653, which indicates that the City can, at a minimum, maintain the existing level of service delivery and can improve the level and range of selected services currently available in the area. Upon reorganization, the City of San Bernardino will extend its services as required by the progression of development. The Fiscal Impact Analysis portion of

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the original Plan for Service provides a general outline of the anticipated revenues/costs for the reorganization area and Specific Plan as a whole. The Plan indicates that revenues are anticipated to be sufficient to provide the level of services identified through the City and other agencies. Through the identified financing mechanisms, the Plan shows that the level of service will be adequate for the development anticipated and that the revenues anticipated are sufficient to provide for the infrastructure and ongoing maintenance and operation of these services. The financial information presented within the City's Plan for Service indicates that the extension of services can be maintained and operated within the existing revenue resources available through the transfer of property taxes and fees for service.

The City of San Bernardino Municipal Water Department, Campus Crusade for Christ, Inc. and Arrowhead Springs Corporation in August 2009 entered into an Agreement in Principle regarding the future delivery of domestic, irrigation and recycled water and wastewater service. The City of San Bernardino Municipal Water Department has provided updated sections for the Plan for Service related to water and sewer service amplifying the Agreement in Principle. The City of San Bernardino has indicated that the service delivery documents and fiscal impact analysis for the delivery of those services will be refined during future considerations as specific tract developments are processed through the City. These Plans for Service have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that these Plans conform to those adopted standards and requirements.

9. The areas in question are presently served by the following public agencies: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District (all of Area 1 and a portion of Area 2), Crestline-Lake Arrowhead Water Agency (a portion of Area 2), San Bernardino County Fire Protection District and its Valley Service Zone (formerly known as County Service Area 70 and County Service Area 38 respectively), and County Service Area 70 (County-wide multi-function agency)

The San Bernardino County Fire Protection District, its Valley Service Zone, and CSA 70 will be detached through successful completion of this reorganization. None of the other agencies will be directly affected by the completion of this proposal through an adjustment in their boundaries as they are regional in nature.

10. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for areas proposed for urban intensity development to be included within a multi-function agency for the provision of those services in the most efficient and effective service delivery system.
11. All notices required by State law and local Commission policies have been provided. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determinations. To date, opposition to this annexation has been received and considered by the Commission in making its determination.
12. The reorganization area can benefit from the availability and extension of municipal-level services from the City of San Bernardino, as evidenced by the original and updated Plan for Services.
13. This proposal complies with Commission policies that indicate the preference for areas proposed for future development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.

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14. This proposal will assist the City's ability to achieve its fair share of the regional housing needs as it proposes the addition of 1,350 residential units.
15. With respect to environmental justice, the reorganization area will benefit from the extension of services and facilities from the City while, at the same time, will not result in unfair treatment of any person based upon race, culture or income
16. The County of San Bernardino and the City of San Bernardino have successfully negotiated a transfer of property tax revenues that will take effect upon completion of this reorganization. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
17. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

**SECTION 3.** Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

**SECTION 4.** The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

**SECTION 5.** The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law.

**SECTION 6.** Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth her determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

**SECTION 7.** Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

**THIS ACTION APPROVED AND ADOPTED** by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

**AYES: COMMISSIONERS:** Curatalo, Nuaimi, Pearson, Smith, Williams

**NOES: COMMISSIONERS:** None

**ABSENT: COMMISSIONERS:** Biane, Cox (Smith voting in her stead), McCallon (Williams voting in his stead), Mitzelfelt

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STATE OF CALIFORNIA )  
 ) ss.  
 COUNTY OF SAN BERNARDINO )

ID #:1672

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I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of November 18, 2009.

DATED: November 19, 2009



  
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KATHLEEN ROLLINGS-MCDONALD  
Executive Officer

## LAFCO 3050

### Reorganization to Include City of San Bernardino Annexation No. 360 and Detachments from the San Bernardino County Fire Protection District and its Valley Service Zone, and County Service Area 70 (Arrowhead Springs Specific Plan Area)

Those parcels of land located in Section 7, Township 1 North, Range 3 West, San Bernardino Base and Meridian, and Sections 2, 3, 11, 12 and 14, all in Township 1 North, Range 4 West, San Bernardino Base and Meridian, and Section 34, Township 2 North, Range 4 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California, described as follows:

#### **AREA 1**

**Beginning** at a point being on the corporate City limit line of the City of San Bernardino per Annexation No. 190, said point also being the northwest corner of the south one-half of the northeast one-quarter of said Section 11, Township 1 North, Range 4 West;

1. Thence east, leaving said corporate City limit line, along the north line of said south one-half of the northeast one-quarter of Section 11 to the northeast corner of said south one-half of the northeast one-quarter of said Section 11, said point also being on the west line of said Section 12, Township 1 North, Range 4 West;
2. Thence north, along said west line of said Section 12 to the northwest corner thereof;
3. Thence east, along the north line of said Section 12 to the northeast corner of the northwest one-quarter of the northeast one-quarter of said Section 12;
4. Thence south, along the west line said northwest one-quarter of the northeast one-quarter of said Section 12 to the southeast corner of said northwest one-quarter of the northeast one-quarter of said Section 12, said point also being on the north line of the southeast one-quarter of the northeast one-quarter of said Section 12;
5. Thence east, along said north line, to the northeast corner of said southeast one-quarter of the northeast one-quarter of said Section 12, said point also being on the west line of said Section 7, and the common Range line of said Township 1 North, Range 3 West and said Township 1 North, Range 4 West;
6. Thence north, along said west line of Section 7 and said common Range line, to the northwest corner thereof ;
7. Thence east, leaving said common Range line, along the north line of Section 7 to the northeast corner thereof;

8. Thence south, along the east line of said Section 7 to the southeast corner thereof;
9. Thence west, along the south line of Section 7 to the southwest corner thereof and said common Range line of Township 1 North , Range 3 West and Township 1 North, Range 4 West;
10. Thence north, along the west line of Section 7 and said common Range line, to the southeast corner of the north one-half of the southeast one-quarter of said Section 12, Township 1 North, Range 4 West;
11. Thence west, leaving said common Range line, along the south line of said north one-half of the southeast one-quarter of said Section 12, and along the south line of the north one-half of the southwest one-quarter of said Section12 to the southwest corner of said north one-half of the southwest one-quarter of said Section12, said point also being on the east line of said Section 11, Township 1 North, Range 4 West;
12. Thence south, along said east line of Section 11 to the southeast corner thereof;
13. Thence west, along the south line of said Section 11 to the northeast corner of the northwest one-quarter of the northeast one-quarter of said Section 14, Township 1 North, Range 4 West;
14. Thence south, along the east line of said northwest one-quarter of the northeast one-quarter of said Section 14, a distance of 417.40 feet to a point on said corporate City limit line of the City of San Bernardino, per Annexation No. 347 (LAFCO 2584) ;

Thence, along said corporate City limit line and its various courses and distances as per said Annexation No. 347, and said Annexation No. 190, as follows:

15. Thence South 89°26'17" West, a distance of 208.71 feet;
16. Thence North 00°20'10" West, 417.40 feet to a point on said south line of Section 11;
17. Thence west, along said south line, a distance of 541.95 feet;
18. Thence South 02°02'29" West, a distance of 381.95 feet;
19. Thence South 72°27'09" West, a distance of 52.21 feet;
20. Thence North 79°44'01" West, a distance of 38.00 feet;
21. Thence North 49°49'11" West, a distance of 108.69
22. Thence North 04°53'22" East, a distance of 318.61 feet to said south line of Section 11;

23. Thence west, along said south line, a distance of 422.81 feet to the southeast corner of the west one-half of said Section 11;
24. Thence north, along the east line of said west one-half of Section 11, to the **Point of Beginning**.

The above-described Area 1 contains 1,297.87 acres, more or less.

## **AREA 2**

**Beginning** at the southwest corner of the west one-half of the southwest one-quarter of said Section 2, Township 1 North, Range 4 West, said point also being on the corporate City limit line of the City of San Bernardino per Annexation No. 190;

1. Thence southerly along existing corporate City limit line of said Annexation No. 190, South  $0^\circ 03' 43''$  West, a distance of 85.81 feet along the east line of Section 10, Township 1 North, Range 4 West, to a point on said westerly right of way of State Highway 18 per Right Of Way Map of State Road 8-sbd-18 on file as County Surveyor's Map No. 7672-4 and 5, in the San Bernardino County Surveyor's Office;
2. Thence leaving said east line of Section 10, leaving also said corporate City limit line, and continuing along said westerly right of way of State Highway 18, North  $76^\circ 49' 32''$  West a distance of 327.86 feet;
3. Thence continuing along said westerly right of way of State Highway 18, North  $21^\circ 00' 48''$  West, a distance of 5.70 feet to a point on the south line of said Section 3;
4. Thence continuing along said westerly right of way of State Highway 18, North  $21^\circ 00' 48''$  West a distance of 434.75 feet;
5. Thence continuing along said westerly right of way of State Highway 18, North  $10^\circ 32' 05''$  West, a distance of 843.14 feet;
6. Thence continuing along said westerly right of way of State Highway 18, North  $43^\circ 24' 49''$  East, a distance of 19.51 feet;
7. Thence continuing along said westerly right of way of State Highway 18, North  $1^\circ 48' 00''$  West, a distance of 97.50 feet to the south line of the northeast one-quarter of the southeast one-quarter of said Section 3, Township 1 North, Range 4 West;
8. Thence west along said south line of said northeast one-quarter of the southeast one-quarter of said Section 3, to the southwest corner of said northeast one-quarter of the southeast one-quarter of said Section 3;

9. Thence northerly along the west line of said northeast one-quarter of the southeast one-quarter of said Section 3, North  $0^{\circ} 22' 27''$  West, a distance of 522.14 feet to point being on a non-tangent curve concave to the east and having a radius of 571.19 feet, a radial bearing to said point bears South  $64^{\circ} 11' 18''$  West, said point also being on the said westerly right of way of State Highway 18 per said Right Of Way Map;
10. Thence continuing along said westerly right of way of State Highway 18, northwesterly and northeasterly along said curve a distance of 504.89 feet, through a central angle of  $50^{\circ} 38' 44''$  to a point along said west line of said northeast one-quarter of the southeast one-quarter of said Section 3;
11. Thence northerly along said west line of said northeast one-quarter of the southeast one-quarter of said Section 3, to the southeast corner of Government Lot 6 of said Section 3;
12. Thence west, along the south line of said Government Lot 6, to the southwest corner thereof;
13. Thence north, along the west line of said Government Lot 6 and the west line of Government Lot 1 of said Section 3, to the northwest corner of said Government Lot 1, said point also being the southwest corner of the southeast one-quarter of said Section 34, Township 2 North, Range 4 West and the common Township line of Township 1 North, Range 4 West and Township 2 North, Range 4 West;
14. Thence North  $00^{\circ} 05' 17''$  West, leaving said common Township line, along the west line of said southeast one-quarter of said Section 34, a distance of 910.21 feet to a point on the west line of that certain line designated as "Existing R/W" on Right of Way Map of State Road 8-SBd-18 on file as County Surveyor's Map No. 7696-1, in the San Bernardino County Surveyor's Office;
15. Thence South  $63^{\circ} 18' 33''$  East, along said "Existing R/W", a distance of 113.75 feet;
16. Thence South  $18^{\circ} 14' 45''$  East, along said "Existing R/W", a distance of 889.70 feet to the south line of said Section 34 and said common Township line and the north line of said Section 3;
17. Thence east, along said common Township line and said north line of Section 3 to the northeast corner of said Section 3;
18. Thence south, leaving said common Township line, along the east line of Section 3, to the northwest corner of said west one-half of the southwest one-quarter of Section 2;
19. Thence east, along the north line of said west one-half of the southwest one-quarter of Section 2 to the northeast corner of said west one-half of the southwest one-quarter of said Section 2;

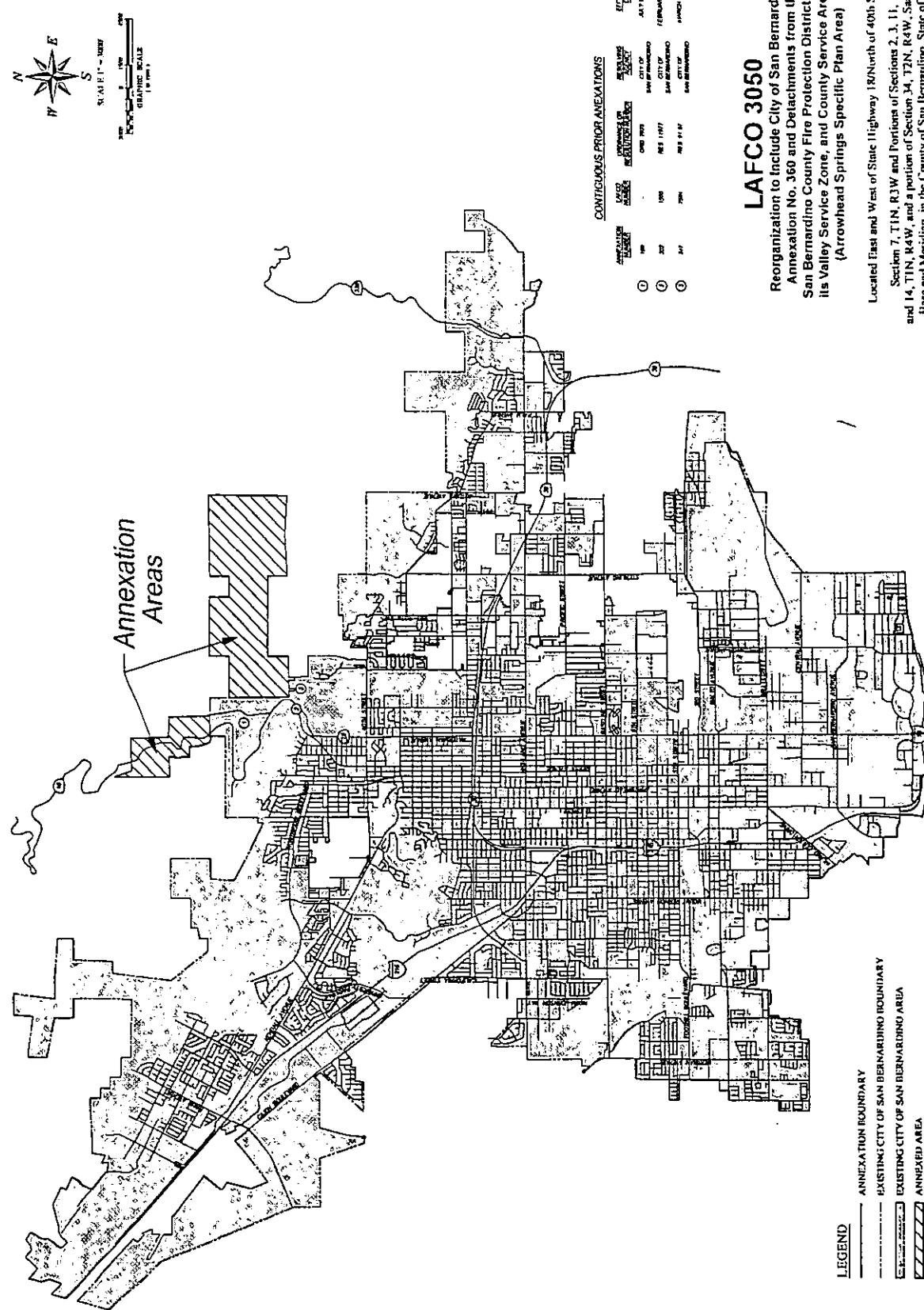
20. Thence south, along the east line of said west one-half of the southwest one-quarter of said Section 2, to the south line of said Section 2, said point being on said corporate City limit line of the City of San Bernardino per said Annexation No. 190;
21. Thence west, along said south line and said corporate City limit line, to the **Point of Beginning**.

The above-described Area 2 contains 292.27 acres, more or less.

Area 1 and Area 2 contains a total of 1,590.14 acres, more or less.

SHEET 2 OF 2 SHEETS

## VICINITY MAP



CONTIGUOUS PRIOR ANNEXATIONS			
ANNEXATION	ACRES	ANNEXED DATE	REFERS TO
1	100	1900	CITY OF SAN BERNARDINO
2	32	1901	CITY OF SAN BERNARDINO
3	40	1901	CITY OF SAN BERNARDINO

## LAFCO 3050

Reorganization to include City of San Bernardino Annexation No. 360 and Detachments from the San Bernardino County Fire Protection District and its Valley Service Zone, and County Service Area 70 (Arrowhead Springs Specific Plan Area)

Located East and West of State Highway 18/North of 40th Street  
 Section 7, T1N, R1W and Portions of Sections 2, 3, 11, 12 and 14, T1N, R4W, and a portion of Section 34, T2N, R4W, San Bernardino Base and Meridian, in the County of San Bernardino, State of California

LAND DESCRIPTION	DATE
SECTION 14, T1N, R4W	06/16/24
SECTION 34, T2N, R4W	06/16/24
SECTION 11, T1N, R4W	06/16/24
SECTION 12, T1N, R4W	06/16/24

**Exhibit A-1**

